IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PIL WRIT PETITION NO.19 OF 2006.

Sachin Namdeo Haldkar ..Petitioner.

Vs.

The State of Maharashtra & Ors. ..Respondents.

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Mr. G.M. Savgave for the Petitioner.

Mr. P.M. Patil, Assistant Government Pleader for Respondent Nos.1 and 2.

Mr. Vijay Patil for Respondent No.13.

Dr. V.K. Vhoudhary for Respondent No.22.

Mr. Rahul S. Kulkarni for Respondent No.23.

Mr. S.P. Thorat for Respondent No.33.

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CORAM : **KSHITIJ R. VYAS, C.J. &**
DR.D.Y.CHANDRACHUD, J.
5th April, 2006.

P.C. (**Per DR. D.Y. CHANDRACHUD, J.**):

1. In these proceedings which the Petitioner claims to have instituted in the public interest the Petitioner seeks to impugn a Government Resolution dated 30th January, 2006 relating to the recommendation of financial assistance to Respondent Nos.4 to 33 which are power loom co-operative societies under the NCDC scheme. According to the recitals contained in the Petition, based

on the national textile policy, the National Co-operative Development Corporation, the Third Respondent, sponsored a scheme known as the NCDC Scheme for the grant of financial assistance for the development of power loom co-operative societies from the year 1994-95. The scheme, according to the Petitioner envisages that 10% of the capital reserved should be collected by co-operative societies from their members while on the basis of the recommendations of the State Government, the Third Respondent grants finances to the extent of 90%. While recommending proposals, the Government has to examine the viability of the project, whether the society has collected 10% of the capital, whether the society is genuine and whether it is economically viable. The grievance sought to be set out in the Petition is that Government did not examine these aspects while recommending the proposals.

2. Before embarking upon a consideration of the issues that are raised in the petition, we called upon the Petitioner to establish before the Court his own bonafides as a genuine public interest litigant. In response to the query of the Court, all that has been stated before the Court is that the Petitioner is a 'social worker'.

There are absolutely no averments in the Petition that would establish before the Court the bonafides of the Petitioner and none have been forthcoming before the Court. The attention of the Court has also been drawn to a judgment dated 2nd February, 2006 by which Writ Petition 489 of 2006 (Alif Autoloom Development Co-operative Societies Ltd. v. State of Maharashtra) came to be dismissed. We are of the view that in the present case, the Court would be justified in declining to go into the merits of the issues raised in the petition and in rejecting the petition at the very threshold on the ground that it does not appear to be a bonafide petition filed genuinely in the public interest. The Petitioner has not been able to establish his credentials, his track record or the basis of which he has considered it fit to move the Court in its jurisdiction in public interest. This jurisdiction is intended to be exercised at the behest of a Petitioner who has a genuine concern for the protection of public interest. This jurisdiction cannot be exercised at the behest of a litigant activated with oblique motives or for securing private or political ends. We, therefore, do not consider this to be a fit and proper case for the exercise of our extra-ordinary jurisdiction under Article 226. The petition shall accordingly stand dismissed.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)